

EXHIBIT G

*Sioux Steel Company v.
KC Engineering, P.C.*

Derek Matthies, PE
February 27, 2017



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<p style="text-align: right;">Page 61</p> <p>1 or non-free-flowing? 2 A Yes. 3 Q Correct? 4 A Correct. 5 Q Now, if a hopper cannot be designed to tolerate the 6 pressures of reasonable, foreseeable uses, then the 7 risk of failure must be guarded to prevent injury to 8 workers; is that correct? 9 MR. TOBIN: Object to the form of the question. 10 You can answer if you can. 11 THE WITNESS: I guess I don't understand the -- 12 BY MR. GOODSELL: 13 Q Okay. If a hopper cannot be designed to tolerate the 14 pressures of reasonable, foreseeable uses, then the 15 risk of failure must be guarded to prevent injury to 16 workers? 17 MR. TOBIN: Same objection. 18 THE WITNESS: I would say, yes, the hopper needs 19 to be designed for worst-case scenario. 20 BY MR. GOODSELL: 21 Q Now, if the designed hopper is subject to foreseeable 22 misuse or is limited to specific designated uses, then 23 the design reviewer must warn the client of the 24 limitations? 25 MR. TOBIN: Same objection.</p>	<p style="text-align: right;">Page 63</p> <p>1 engineering document prepared for KC's client, correct? 2 A Yes. 3 Q The term "in responsible charge" means having direct 4 control of and personal supervision over any work 5 involving the practice of engineering, correct? 6 A Yes. 7 Q A licensed professional engineer submitting a report, 8 an engineering document, on a structural engineering 9 design review of drawings and specifications cannot 10 rely upon the work of the client; is that correct? 11 A I guess, could you say that again? 12 Q A licensed professional engineer submitting a report on 13 a structural engineering design review of drawings with 14 specifications cannot rely upon the work of the client? 15 A You would do your own review, yes. 16 Q Right. And as a licensed professional, you're required 17 to do your own review, correct? 18 A Yes. 19 Q You can't adopt somebody else's work and say, "This is 20 my report"?</p> <p>21 A Right. 22 Q Now, does Iowa require an engineering document that's 23 submitted to a client to contain a certification block 24 for a seal by the licensed professional engineer in 25 charge?</p>
<p style="text-align: right;">Page 62</p> <p>1 THE WITNESS: Yes. 2 BY MR. GOODSELL: 3 Q Safety determines design, correct? 4 A Correct. 5 Q An engineer has a duty to focus primarily on safety, 6 correct? 7 A Correct. 8 Q An engineer's primary focus is safety regardless of 9 pressure that may come from a client, correct? 10 A Correct. 11 Q A grain bin hopper is a generic term used in the 12 industry to describe steel bins for storage and 13 handling of agricultural commodities? 14 A I would agree with that, yeah. 15 Q It's the duty of a licensed professional engineer to 16 warn his client if potential uses or misuses can cause 17 a structure to fail? 18 A Yes. 19 Q And I want to talk to you a little bit about some 20 terms. The term engineering document, that includes 21 all reports if the preparation requires the practice of 22 engineering. Would that be an accurate description of 23 engineering documents? 24 A Yes. 25 Q And KC's report to Sioux Steel, <u>Exhibit 9</u> and 19, is an</p>	<p style="text-align: right;">Page 64</p> <p>1 A If it's submitted in Iowa. 2 Q And what about a submittal in South Dakota? 3 A If it's for the state of South Dakota, if you're going 4 to stamp documents that are going to be billed in 5 South Dakota for South Dakota. It depends which review 6 board will be reviewing the drawings. 7 Q So it's your understanding that an engineering document 8 that goes to a client in South Dakota as a report, such 9 as what you have in <u>Exhibit 9</u> and 19, does not have to 10 be under seal? 11 A It would be -- that's how I would put it, because it 12 could be sold in other states in which case those -- 13 the stamp would have to correspond with each state. 14 Q Is that under South Dakota or Iowa then or both? 15 A I guess I'm confused of the question. 16 Q Perhaps I'm confused on the answer. Is it your answer 17 that if it's under seal, it has to meet -- 18 A The code requirements of that specific jurisdiction. 19 Q Which would be South Dakota or Iowa, one or the other, 20 right, here? 21 A Well, see, normally it's like buildings, building being 22 built in Iowa, you stamp it and that jurisdiction 23 reviews it. 24 Q Correct. 25 A But if this is going to be sold in Texas, then it might</p>